



General Assembly

January Session, 2001

***Raised Bill No. 1053***

LCO No. 3218

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE DEFINITION OF MENTAL DISABILITY  
AND THE CODE OF FAIR PRACTICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-51 of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 As used in section 4a-60a and this chapter:

4 (1) "Blind" refers to an individual whose central visual acuity does  
5 not exceed 20/200 in the better eye with correcting lenses, or whose  
6 visual acuity is greater than 20/200 but is accompanied by a limitation  
7 in the fields of vision such that the widest diameter of the visual field  
8 subtends an angle no greater than twenty degrees;

9 (2) "Commission" means the Commission on Human Rights and  
10 Opportunities created by section 46a-52;

11 (3) "Commission counsel" means the counsel employed by the  
12 commission pursuant to section 46a-54;

13 (4) "Commissioner" means a member of the commission;

- 14       (5) "Court" means the Superior Court or any judge of said court;
- 15       (6) "Discrimination" includes segregation and separation;
- 16       (7) "Discriminatory employment practice" means any discriminatory  
17 practice specified in section 46a-60 or 46a-81c;
- 18       (8) "Discriminatory practice" means a violation of section 4a-60, 4a-  
19 60a, 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c, 46a-66, 46a-68, sections 46a-  
20 70 to 46a-78, inclusive, subsection (a) of section 46a-80, or sections 46a-  
21 81b to 46a-81o, inclusive;
- 22       (9) "Employee" means any person employed by an employer but  
23 shall not include any individual employed by his parents, spouse or  
24 child, or in the domestic service of any person;
- 25       (10) "Employer" includes the state and all political subdivisions  
26 thereof and means any person or employer with three or more persons  
27 in his employ;
- 28       (11) "Employment agency" means any person undertaking with or  
29 without compensation to procure employees or opportunities to work;
- 30       (12) "Labor organization" means any organization which exists for  
31 the purpose, in whole or in part, of collective bargaining or of dealing  
32 with employers concerning grievances, terms or conditions of  
33 employment, or of other mutual aid or protection in connection with  
34 employment;
- 35       (13) "Mental retardation" means mental retardation as defined in  
36 section 1-1g;
- 37       (14) "Person" means one or more individuals, partnerships,  
38 associations, corporations, limited liability companies, legal  
39 representatives, trustees, trustees in bankruptcy, receivers and the state  
40 and all political subdivisions and agencies thereof;
- 41       (15) "Physically disabled" refers to any individual who has any

42 chronic physical handicap, infirmity or impairment, whether  
43 congenital or resulting from bodily injury, organic processes or  
44 changes or from illness, including, but not limited to, epilepsy,  
45 deafness or hearing impairment or reliance on a wheelchair or other  
46 remedial appliance or device;

47 (16) "Respondent" means any person alleged in a complaint filed  
48 pursuant to section 46a-82 to have committed a discriminatory  
49 practice;

50 (17) "Discrimination on the basis of sex" includes but is not limited  
51 to discrimination related to pregnancy, child-bearing capacity,  
52 sterilization, fertility or related medical conditions;

53 (18) "Discrimination on the basis of religious creed" includes but is  
54 not limited to discrimination related to all aspects of religious  
55 observances and practice as well as belief, unless an employer  
56 demonstrates that he is unable to reasonably accommodate to an  
57 employee's or prospective employee's religious observance or practice  
58 without undue hardship on the conduct of the employer's business;

59 (19) "Learning disability" refers to an individual who exhibits a  
60 severe discrepancy between educational performance and measured  
61 intellectual ability and who exhibits a disorder in one or more of the  
62 basic psychological processes involved in understanding or in using  
63 language, spoken or written, which may manifest itself in a diminished  
64 ability to listen, speak, read, write, spell or to do mathematical  
65 calculations;

66 (20) "Mental disability" refers to an individual who has a record of,  
67 or is regarded as having one or more mental disorders, as defined in  
68 the most recent edition of the American Psychiatric Association's  
69 "Diagnostic and Statistical Manual of Mental Disorders".

70 Sec. 2. Section 46a-70 of the general statutes is repealed and the  
71 following is substituted in lieu thereof:

72 (a) State officials and supervisory personnel shall recruit, appoint,  
73 assign, train, evaluate and promote state personnel on the basis of  
74 merit and qualifications, without regard for race, color, religious creed,  
75 sex, marital status, age, national origin, ancestry, mental retardation,  
76 mental disability, learning disability or physical disability, including  
77 but not limited to, blindness, unless it is shown by such state officials  
78 or supervisory personnel that such disability prevents performance of  
79 the work involved.

80 (b) All state agencies shall promulgate written directives to carry  
81 out this policy and to guarantee equal employment opportunities at all  
82 levels of state government. They shall regularly review their personnel  
83 practices to assure compliance.

84 (c) All state agencies shall conduct continuing orientation and  
85 training programs with emphasis on human relations and  
86 nondiscriminatory employment practices.

87 (d) The Commissioner of Administrative Services shall insure that  
88 the entire examination process, including qualifications appraisal, is  
89 free from bias.

90 (e) Appointing authorities shall exercise care to insure utilization of  
91 minority group persons.

92 Sec. 3. Section 46a-71 of the general statutes is repealed and the  
93 following is substituted in lieu thereof:

94 (a) All services of every state agency shall be performed without  
95 discrimination based upon race, color, religious creed, sex, marital  
96 status, age, national origin, ancestry, mental retardation, mental  
97 disability, learning disability or physical disability, including, but not  
98 limited to, blindness.

99 (b) No state facility may be used in the furtherance of any  
100 discrimination, nor may any state agency become a party to any  
101 agreement, arrangement or plan which has the effect of sanctioning

102 discrimination.

103 (c) Each state agency shall analyze all of its operations to ascertain  
104 possible instances of noncompliance with the policy of sections 46a-70  
105 to 46a-78, inclusive, and shall initiate comprehensive programs to  
106 remedy any defect found to exist.

107 (d) Every state contract or subcontract for construction on public  
108 buildings or for other public work or for goods and services shall  
109 conform to the intent of section 4a-60.

110 Sec. 4. Section 46a-72 of the general statutes is repealed and the  
111 following is substituted in lieu thereof:

112 (a) All state agencies, including educational institutions, which  
113 provide employment referrals or placement services to public or  
114 private employers, shall accept job orders on a nondiscriminatory  
115 basis.

116 (b) Any job request indicating an intention to exclude any person  
117 because of race, color, religious creed, sex, marital status, age, national  
118 origin, ancestry, mental retardation, mental disability, learning  
119 disability or physical disability, including, but not limited to, blindness  
120 shall be rejected, unless it is shown by such public or private  
121 employers that such disability prevents performance of the work  
122 involved.

123 (c) All state agencies shall cooperate in programs developed by the  
124 Commission on Human Rights and Opportunities initiated for the  
125 purpose of broadening the base for job recruitment and shall further  
126 cooperate with all employers and unions providing such programs.

127 (d) The Labor Department shall encourage and enforce employers  
128 and labor unions to comply with the policy of sections 46a-70 to 46a-  
129 78, inclusive, and promote equal employment opportunities.

130 Sec. 5. Section 46a-73 of the general statutes is repealed and the

131 following is substituted in lieu thereof:

132 (a) No state department, board or agency may grant, deny or revoke  
133 the license or charter of any person on the grounds of race, color,  
134 religious creed, sex, marital status, age, national origin, ancestry,  
135 mental retardation, mental disability, learning disability or physical  
136 disability, including, but not limited to, blindness, unless it is shown  
137 by such state department, board or agency that such disability  
138 prevents performance of the work involved.

139 (b) Each state agency shall take such appropriate action in the  
140 exercise of its licensing or regulatory power as will assure equal  
141 treatment of all persons and eliminate discrimination and enforce  
142 compliance with the policy of sections 46a-70 to 46a-78, inclusive.

143 Sec. 6. Section 46a-75 of the general statutes is repealed and the  
144 following is substituted in lieu thereof:

145 (a) All educational, counseling, and vocational guidance programs  
146 and all apprenticeship and on-the-job training programs of state  
147 agencies, or in which state agencies participate, shall be open to all  
148 qualified persons, without regard to race, color, religious creed, sex,  
149 marital status, age, national origin, ancestry, mental retardation,  
150 mental disability, learning disability or physical disability, including,  
151 but not limited to, blindness.

152 (b) Such programs shall be conducted to encourage the fullest  
153 development of the interests, aptitudes, skills, and capacities of all  
154 students and trainees, with special attention to the problems of  
155 culturally deprived, educationally handicapped, learning disabled,  
156 economically disadvantaged, or physically disabled, including, but not  
157 limited to, blind persons.

158 (c) Expansion of training opportunities under these programs shall  
159 be encouraged so as to involve larger numbers of participants from  
160 those segments of the labor force where the need for upgrading levels

161 of skill is greatest.

162 Sec. 7. Section 46a-76 of the general statutes is repealed and the  
163 following is substituted in lieu thereof:

164 (a) Race, color, religious creed, sex, marital status, age, national  
165 origin, ancestry, mental retardation, mental disability, learning  
166 disability or physical disability, including, but not limited to, blindness  
167 shall not be considered as limiting factors in state-administered  
168 programs involving the distribution of funds to qualify applicants for  
169 benefits authorized by law.

170 (b) No state agency may provide grants, loans or other financial  
171 assistance to public agencies, private institutions or organizations  
172 which discriminate.

***Statement of Purpose:***

To define "mental disability" and to make all provisions of the Code of Fair Practices consistent by including all current classes protected from discrimination.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*